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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.     | CONFIRMATION NO.       |
|--|-------------|----------------------|-------------------------|------------------------|
| 10/020,882   | 12/19/2001  | Sheldon Tobe         | PT-1949001              | 8815                   |
| 23607 7590 10/26/2007<br>IVOR M. HUGHES, BARRISTER & SOLICITOR,<br>PATENT & TRADEMARK AGENTS<br>175 COMMERCE VALLEY DRIVE WEST<br>SUITE 200<br>THORNHILL, ON L3T 7P6<br>CANADA |             |                      | EXAMINER<br>PAK, JOHN D |                        |
|  |             |                      | ART UNIT<br>1616        | PAPER NUMBER           |
|  |             |                      | MAIL DATE<br>10/26/2007 | DELIVERY MODE<br>PAPER |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

|   |                        |                     |  |
|---|------------------------|---------------------|--|
| <b>Response to Rule 312 Communication</b> | <b>Application No.</b> | <b>Applicant(s)</b> |  |
|   | 10/020,882             | TOBE, SHELDON       |  |
|   | <b>Examiner</b>        | <b>Art Unit</b>     |  |
|   | JOHN PAK               | 1616                |  |

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

1. ☒ The amendment filed on 17 October 2007 under 37 CFR 1.312 has been considered, and has been:


- a) ☐ entered.
- b) ☐ entered as directed to matters of form not affecting the scope of the invention.
- c) ☐ disapproved because the amendment was filed after the payment of the issue fee.

Any amendment filed after the date the issue fee is paid must be accompanied by a petition under 37 CFR 1.313(c)(1) and the required fee to withdraw the application from issue.

- d) ☒ disapproved. See explanation below.
- e) ☐ entered in part. See explanation below.

*Applicant seeks to amend the specification disclosed amount of magnesium chloride from  $2.05 \pm 0.2$  g/l to  $0.96 \pm 0.09$  g/l. Applicant provides numerous calculations in an attempt to show why this error would have been immediately evident to a person skilled in the art. The Examiner cannot agree.*

*The problem is that the numbers are not precise. The specific numbers used by applicant could be off by some percentage depending on the exact number used for dilution factor, exact number used for molecular weight, rounding off, etc. The specific numbers proposed by the amendment would not have been readily envisaged because such numbers depend on too many calculation factors. Unambiguous derivation of the magnesium amount was not shown by applicant.*

  
 JOHN PAK  
 PRIMARY EXAMINER  
 GROUP 1600